

384-07/MEU

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHIQUITA INTERNATIONAL LIMITED and GREAT  
WHITE FLEET LIMITED,

Plaintiffs,

-against-

M/V BOSSE, her engines, boilers, tackle, furniture, apparel,  
etc., *in rem*, BOSSE SHIPPING LTD., and HOLY HOUSE  
SHIPPING AB *in personam*,

Defendants.  
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07 cv 6786 (PKL)

**AFFIRMATION OF  
MICHAEL E. UNGER**

MICHAEL E. UNGER, affirms the following under penalty of perjury:

1. I am an attorney admitted to practice before this Court and am a partner in the law firm of Freehill, Hogan & Mahar, LLP, attorneys for Defendants Holy House and Bosse Shipping herein. I submit this Affirmation in support of the instant motion to vacate the Rule B attachment of certain funds which have been restrained pursuant to the Order and Process of Maritime Attachment and Garnishment ("PMAG") issued in this action.

2. Insofar as the contents of this Affirmation are within my own knowledge, they are true. Insofar as the contents of this Affirmation are not within my own knowledge, they are true to the best of my information and belief.


3. On August 22, 2007, I spoke by telephone with Gregory Barnett of Casey & Barnett, the attorneys for Plaintiffs Chiquita and Great White Fleet ("GWF"). During the course of that telephone conversation, Mr. Barnett advised that some time in July,

2007, approximately \$10,000 was restrained pursuant to the Rule B action commenced on behalf of Chiquita and GWF.

4. Mr. Barnett further advised during our August 22, 2007 telephone conversation, that approximately \$77,000 being sent to Defendant Holy House had been restrained "the other day". No further information was provided in connection with either wire transfer.

5. Mr. Barnett subsequently provided copies of the notices given by counsel for JPMorgan Chase Bank of the restraint of a further \$131.84 wire being transferred through the bank to Holy House Shipping which was restrained on August 23, 2007; \$189,159.28 restrained on August 29, 2007 at JPMorgan Chase Bank and \$353,484.54 restrained on August 31, 2007 at JPMorgan Chase Bank.

Dated: New York, New York  
September 5, 2007

  
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MICHAEL E. UNGER